

7 June 1971

Dear Mr. Chairman:

I am aware that you have heard considerable testimony on the Ervin bill. Chairman Hampton of the Civil Service Commission testified in some detail on this bill with reference to the Government in general and its effect on management and personnel. Consequently, I will not discuss these aspects except to say that I thoroughly endorse his views.

I would like to discuss the Ervin bill in relationship to the Agency. To put things in perspective, I would like to indicate that the Congress in establishing CIA and granting it various authorities has recognized the role of the Director of Central Intelligence as the principal intelligence advisor to the President. Consequently, the law grants numerous exemptions to the Agency to protect the security of its personnel and its functions. Additionally, the statute places on me, personally, the responsibility to protect intelligence sources and methods from unauthorized disclosure.

Over the years in attempting to fulfill our statutory responsibilities, we have devised personnel and security procedures which, in many respects, are unique to this Agency. These procedures are designed

not only to protect national security but also the rights and privacy of our employees.

The heart of the matter is to make sure that we do not hire someone who either is already an agent of a foreign power or may be susceptible to recruitment; and that we do not have someone in our ranks who is vulnerable to recruitment. The Ervin bill would seriously hinder our efforts to identify such individuals. It would also require, under its adversary procedures, the disclosure of information which the law obligates me to protect.

The Ervin bill contains inhibitions on use of the polygraph and this is one of our major concerns. Over the years we have found that the polygraph is an invaluable aid in the investigation of personnel, and Colonel White will explain our procedures on the use of the polygraph in greater detail.

Our second and third major concerns with the Ervin bill involve the ability of an employee or an applicant to initiate an adversary proceeding at his choice either in an independent Board of Appeals or in Federal District Court. There are a number of prohibitions in the Ervin bill with which we would have no quarrel as such. These include such objectives as freedom of an employee from coercion to buy savings bonds or to make contributions to charity or political causes.

These prohibitions create a problem in permitting either an employee or an applicant to raise a grievance either in a Federal District Court or the Board of Appeals which causes us grave concern. Experience over the years with adversary proceedings by this Agency demonstrates that we face a basic dilemma. In most cases, in order to establish fully the facts of the case we would necessarily have to put into evidence classified information. Not to produce such information is to leave unchallenged the employee's or applicant's charge and to expose the alleged offending officer to the penalties in the bill.

Colonel White will detail for you our procedures for recruitment, employment, and our methods of treating with personnel security throughout an employee's career. Because of their special responsibilities, we feel we must require more detailed information about our employees than would be required by most Government agencies. On the other hand, I can state with confidence that the men and women who work for CIA accept the need for these special procedures, recognizing that they operate for the protection not only of the Government but also of the individual.